

MICHAEL A. CARDOZO
Corporation Counsel



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ENDORSED ORDER
Application granted.
5/23/08

MORGAN D. KUNZ
Assistant Corporation Counsel
Phone: (212) 788-0422
Fax: (212) 788-9776
mkunz@law.nyc.gov

May 23, 2008

BY FAX: (212) 805-7928

Honorable Michael H. Dolinger
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

DECEIVED
MAY 23 2008

Re: Guy Zappulla v. Horn, et al
07 Civ. 7709 (LBS) (MHD)

Your Honor:

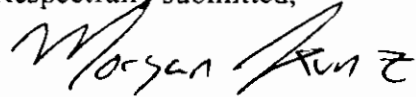
I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants Horn, Okada, Squillante, Ruggiero, Jorgenson, Shelton, Morales, and Ayloo (hereinafter "City defendants") in the above referenced case. Today, May 23, 2008, City defendants will serve and file their responses to plaintiffs first set of interrogatories and document requests, along with their motion papers for their assertion of privilege in regard to certain documents. City defendants write separately to request a one week extension to prepare an *ex parte* letter and an *ex parte* affidavits from Frank Squillante and from NYPD Sergeant Edward Sion, that will further support their assertion of privilege. Plaintiff is incarcerated and proceeding *pro se*, I have been unable to confer with him regarding this request, and accordingly this application is made directly to the Court.

City defendants seek to submit *ex parte* submissions in regard to their assertion of the law enforcement and informant privileges because they are not able to fully explore their arguments in favor of their motion in a document that will be served on plaintiff and filed on the docket sheet, which is accessible to the general public. Because of the short time frame that City defendants had to prepare and file their motion papers, along with their response to plaintiffs first set of interrogatories and document requests, City defendants have not had time to prepare their *ex parte* submissions. Additionally, counsel for City defendants was out of the office for two days serving jury duty in state court, the service of which further shortened the time in which the motion papers could be prepared. Accordingly, defendants submit that a short extension in which to submit their *ex parte* submissions is warranted in this case.

No previous requests for an extension of time in regard to this motion have been made. Accordingly, we respectfully request that City defendants time to submit *ex parte* submissions in relation to their assertion of privilege be extended from May 23, 2008, until May 30, 2008. As City defendants will serve and file their motion papers and their responses and objections to plaintiffs first set of interrogatories and documents requests, this one week extension will not effect the briefing schedule laid out in the Courts May 9, 2008 order.

I thank the Court for its time and consideration of this request.

Respectfully submitted,



Morgan D. Kunz
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Guy Zappulla, plaintiff *pro se*
#900-06-00345
Manhattan Detention Center
125 White Street
New York, NY 10013 (Via First Class Mail)